

March 18, 1983

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UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445 and
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating Licenses)

APPLICANTS' ASSESSMENT OF RELEVANCE
 AND SIGNIFICANCE OF BOARD NOTIFICATIONS

In its Memorandum and Order (Memorializing Conference Call), dated March 9, 1983, the Board directed the NRC Staff to provide by March 18, 1983, its assessment of the relevance and significance to this proceeding of the matters raised by Board Notifications and other communications to the Board from the Staff. Memorandum and Order at 3. The Board also encouraged the other parties to provide their positions on the relevance and significance of these matters. Accordingly, Applicants present below their positions. In addition, Applicants provide the attached affidavit of Mr. David H. Wade regarding two of the issues raised in the Board Notifications to assist the Board in making its own determination of relevance and significance of those matters.

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Applicants note that the procedures employed by the Staff for notifying Licensing Boards of new information provide that in operating license proceedings any information relevant and significant to the ultimate environmental and safety issues will be sent to the Boards "regardless of the specific issues which have been placed in controversy."¹ In addition, the standard of relevant and material is to be interpreted "liberally" so as to notify the Boards of any "new information that could reasonably be regarded as putting a new or different light upon an issue before the Board or as raising a new issue."² These procedures obviously impose much less stringent standards for Staff notification of the Boards than is to be applied in an operating license proceeding for determining whether such new information warrants consideration on the record.

As discussed below, Licensing Boards in operating license proceedings are neither expected nor required to pass judgment on matters not relevant to contested issues. Indian Point, ALAB-319, infra; Trojan, ALAB-181, infra; 10 C.F.R. § 2.104(c). Nor may Boards in those proceedings examine issues sua sponte absent a finding that a serious safety, environmental or common defense and security matter exists. 10 C.F.R. § 2.760a. Further, even where new information may be relevant to contested issues, Applicants submit that where the issue is already fully addressed in the record, or if the issue is not significant to a decision

¹ NRR Office Letter No. 19, July 6, 1978, Enclosure 1 at 2.

² Id. at 3.

on the application, no further consideration of the information is necessary. In this light, Applicants submit that only few matters raised by the Board Notifications or other Staff communications potentially warrant the Board's attention. As discussed below, Applicants believe that none of these matters need be dealt with in the upcoming hearings.

I. Applicants' Position

A. Board Notifications

1. BN 81-06 (May 8, 1981) - Thermal Shock to PWR Reactor Pressure Vessels
BN 82-04 (January 20, 1982) - Recent Information With Regard To Pressurized Thermal Shock

These Board Notifications concern Pressurized Thermal Shock, a topic recently approved by the Commission for identification as Unresolved Safety Issue ("USI") A-49. BN 81-06 concerns the preliminary views of the NRC Staff on the subject. The Staff concludes that no immediate licensing actions are required pending its continued evaluation of Pressurized Thermal Shock. BN 82-04 provides draft written remarks of Dr. George Sih of Lehigh University presented at a meeting of Commissioner's Technical Assistants and Staff members of the House Committee on Interior and Insular Affairs in October 1981. Dr. Sih's remarks consist of general background information on the Pressurized Thermal Shock phenomenon.

The Board need not await resolution of an USI before authorizing the issuance of operating licenses. The Board need only find that the issue has been taken into account in a plausible manner that justifies operation pending resolution of

the issue. Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-491, 8 NRC 245, 249 (1978); Gulf States Utilities Company (River Bend, Units 1 and 2), ALAB-444, 6 NRC 760, 774-775 (1977). To this end, the Staff has presented in Supplement 3 to the Safety Evaluation Report for Comanche Peak, NUREG-0797 (March 1983) ("SSER-3"), at pp. C-1 to C-2, a discussion of USI A-49 and its applicability to Comanche Peak. The Staff presents these reasonable justifications for operation of Comanche Peak pending resolution of USI A-49. Accordingly, Applicants submit that no Board action is necessary with respect to this subject.

2. BN 82-59 (June 22, 1982) - Steam Generator Tube Rupture
BN 83-11 (February 3, 1983) - Preheater Type Steam
Generators at Comanche Peak Steam Electric Station,
Units 1 and 2

These Board Notifications concern generic problems with steam generators. BN 82-59 discusses a steam generator tube rupture at the Ginna facility which raised questions regarding the assumptions employed in calculating off-site doses for design basis accidents. The Staff concludes therein, however, that "this does not represent a compelling safety issue." BN 83-11 concerns a tube wear phenomenon observed with Westinghouse Model D and Model E steam generators. Comanche Peak utilizes Westinghouse model D/4 and D/5 steam generators for Units 1 and

2, respectively. As noted in BN 83-11, modification techniques for the Comanche Peak steam generators are to be selected in the near future and will be subject to Staff evaluation and approval.

Neither of these Notifications is relevant to any issue litigated in this proceeding.³ Thus, the Board is neither required nor expected to pass judgment on the matter. Consolidated Edison Company of New York (Indian Point, Units 1, 2 and 3) ALAB-319, 3 NRC 188, 190 (1976); Portland General Electric Company (Trojan Nuclear Plant), ALAB-181, 7 AEC 207, 209 n.7(1974), 10 C.F.R. § 2.104(c). Accordingly, Applicants submit that no Board action is required on this matter.

3. BN 82-75 (August 9, 1982) - Accident Sequence Precursor Program Report

This Notification presents as "background information," and not an NRC position, an assessment of the probability of accidents based on plant events occurring during the period 1969-1979. The assessment was prepared by a contractor as a result of one of the recommendations of the Lewis Committee

³ A general issue of steam generator corrosion was the subject of Contention 19, sponsored by ACORN. This contention was dismissed by the Board in its Order of January 18, 1982. These Notifications do not present any new information which would warrant a revision of the Board's conclusion inherent in its Order that no serious safety, environmental, or common defense matter exists regarding this issue which warrants exercise of the Board's sua sponte authority pursuant to 10 C.F.R. § 2.760a.

review of WASH-1400. The Notification also describes prior and subsequent measures taken by licensees which have outdated the assessment.

This subject is irrelevant to issues now being litigated in this proceeding.⁴ Thus, the Board need not pass judgment on any aspect of the subject. Indian Point, ALAB-319, 3 NRC at 190, supra; Trojan, ALAB-181, 7 AEC at 209 n.7, supra. Nor does this Notification present serious safety environmental or safety issues which warrant exercise of the Board's sua sponte authority. Accordingly, applicants believe that no Board action is necessary regarding this Notification.

4. BN 82-81 (August 16, 1982) - Control Rod Drive Guide Tube Support Pin Failures at Westinghouse Plants

This Notification concerns the failure of control rod drive guide tube support pins at some Westinghouse plants. In accordance with the recommendations of Westinghouse, following their analysis of this phenomenon, Applicants have committed to replace the subject support pins in order to resolve the concern.

This matter is irrelevant to issues raised in this proceeding. Thus, the Board need not pass judgment on any aspect of the subject. Indian Point, ALAB-319, 3 NRC at 190, supra; Trojan, ALAB-181, 7 AEC at 209 n.7, supra. Nor does this Notification present serious safety environmental or safety

⁴ Accident probabilities was the subject of Contention 4, sponsored by CFUR, which was withdrawn with approval by the Board in its Order of January 25, 1982.

issues which warrant exercise of the Board's sua sponte authority. Accordingly, Applicants believe that no Board action is necessary regarding this Notification.

5. BN 82-90 (September 8, 1982); 90A (October 22, 1982); and 116 (November 4, 1982) - Welds in Main Control Panels

These Board Notifications concern the discovery in an NRC inspection of Reliance Electric of a potentially significant problem regarding the welds in control panels supplied by that company. Applicants' inspections of control panels at Comanche Peak that were purchased from Reliance confirmed that some welds did not satisfy applicable criteria. Although this matter may be relevant to the general issue of QA/QC, Applicants believe that for the reasons discussed below this matter is not significant and, therefore, does not require any further attention by the Board.

As discussed in the attached Affidavit of David H. Wade, Applicants have undertaken several measures to assure structural integrity of the subject control panels. Applicants determined that because the advanced stage of construction had rendered much of the in-place control panels' welds inaccessible, appropriate tests of a similar control panel that was under fabrication at Reliance should be devised to demonstrate the integrity of all Reliance panels. Engineering evaluation of that panel confirmed that, assuming structural and weld similarity between the panels, such tests could provide a conservative estimate of the

structural integrity of the installed panels in a seismic event. Upon confirmation by the NRC, Applicants, Gibbs & Hill and Reliance Electric of structural and weld similarity, testing was conducted on February 9 and 10, 1983. Following the test, the welds were examined and no evidence of weld failure was observed. A final report on the tests will be completed by the end of March, 1983. The NRC Staff will examine the test results to enable them to close out the unresolved items regarding this matter in I&E Reports 82-19 and 82-18/09.

Accordingly, Applicants submit that no Board action is necessary regarding these Notifications.

6. BN 82-93 (September 24, 1982) - Semiscale Test Results
- BN 82-107 (November 10, 1982) - Semiscale Test Results
- BN 82-124 (December 14, 1982) - Semiscale S-UT-8 Test Results
- BN 83-27 (March 4, 1983) - Additional RELAP-5 Calculations for Semiscale S-SR-2 Test

These Board Notifications concern results of tests conducted at the Semiscale facility which demonstrate certain phenomena that may be applicable to Westinghouse designed plants. BN 82-93, 82-107 and 83-27 involved a particular test at the Semiscale facility demonstrating the "feed and bleed" mode of core cooling. As noted in BN 82-107, the Staff concludes that this test does not exhibit any new phenomena and can be adequately predicted by the Staff's computer codes. BN 83-27 provides additional calculations regarding this test. The Staff also notes feed and bleed cooling is not a design basis requirement. BN 82-124

provided information regarding potential core level depression below levels previously anticipated under certain small break LOCA scenarios. The Staff is presently pursuing this matter generically but does "not expect the new phenomena will be shown to result in violations of 10 C.F.R. § 50.46 limits."

The matter of Semiscale test results is irrelevant to issues raised in this proceeding. Thus, the Board need not pass judgment on any aspect of the subject. Indian Point, ALAB-319, 3 NRC at 190, supra; Trojan, ALAB-181, 7 AEC at 209 n.7, supra. Nor do these Notifications present serious safety, environmental or safety issues which warrant exercise of the Board's sua sponte authority. Accordingly, Applicants believe that no Board action is necessary regarding these Notifications.

7. BN 82-105 (November 24, 1982) - Alleged Design Deficiency

This Notification concerns a general allegation made to NRC Chairman Palladino that the effects of local pipe wall stresses in ASME Code Class 1 piping, due to support loads introduced by pipe clamps, are not being evaluated properly at nuclear facilities. The Staff is conducting a generic review of this allegation.

This general concern may be relevant to two specific allegations raised by Mr. Doyle in the Comanche Peak proceeding. Mr. Doyle alleged that stresses induced in pipe walls by U-bolt clamps and zero clearance box frames were not adequately

considered. These topics were the subject of testimony presented by Applicants' witness panel on the Walsh/Doyle allegations (Applicants' Exhibit 142F at 5, 9). The issue also has been addressed by the NRC Staff in its special inspection of the Walsh/Doyle allegations (I&E Report 82-26/82-14, Appendix at 32-34).

The subject of the Board Notification is, however, a general concern regarding the phenomenon of local pipe stresses due to clamp-type appliances. This topic is undergoing generic review by the NRC Staff. Specific instances of this condition raised by Mr. Doyle have already been the subject of testimony by the Applicants and will most likely be addressed by the NRC Staff at the upcoming hearings. Thus, to the extent this matter has been raised as an issue in this proceeding it will have been fully covered on the record. Accordingly, no further consideration of the subject by the Board is necessary.

8. BN 82-122 (December 12, 1982) - USGS Position on the Charleston Earthquake
- BN 82-122A (December 30, 1982) - USGS Position on the Charleston Earthquake
- BN 82-123 (January 11, 1983) - USGS Open File Report on "Probabilistic Estimates of Maximum Acceleration and Velocity In Rock In the U.S."

These Board Notifications concern recent information developed by the United States Geological Survey ("USGS") regarding regional geologic characteristics which may have an impact on seismic calculations performed for U.S. nuclear power plants. BN 82-122 and 122A informs the Board of a recent

clarification of a USGS position on the Charleston (South Carolina) earthquake of 1886. Specifically, USGS states that it cannot absolutely rule out a Charleston-type earthquake in similar geologic structures of the eastern seaboard of the United States. BN 82-123 provides information on the progress of probabilistic seismic hazard studies for the continental U.S. It is specifically addressed to the Indian Point Board and provided as general information to other Boards. The study is not an official position of the USGS and is under study by the NRC Staff.

This matter is irrelevant to issues raised in this proceeding. Thus, the Board need not pass judgment on any aspect of the subject. Indian Point, ALAB-319, 3 NRC at 190, supra; Trojan, ALAB-181, 7 AEC at 209 n.7, supra. Nor do these Notifications raise any serious safety, environmental or common defense and security questions which warrant exercise of this Board's sua sponte authority pursuant to 10 C.F.R. § 2.760a. Accordingly, Applicants believe that no Board action is necessary regarding these Notifications.

9. BN 82-125, 125A (December 14, 1982) - ACRS Evaluation of PWR Flow Blockage

This Board Notification concerns an evaluation by ACRS member H. Etherington concerning flow blockage by steam during natural circulation in PWRs. The primary emphasis of the evaluation is on Babcock & Wilcox plants where the loop high

points are above the steam generator heat exchange surfaces. A steam bubble formed in this high point could lead to natural circulation flow blockage. Some aspects of the evaluation relate to plants with inverted U-tube steam generators (Westinghouse and C.E. designs). As stated in the Board Notification, the NRC Staff concludes that none of the concerns raised in Mr. Etherington's evaluation adversely impact the Staff's position regarding natural circulation and the validity of feed and bleed cooling as a defense-in-depth measure.

Applicants believe this matter is irrelevant to issues raised in this proceeding. Thus, the Board need not pass judgment on any aspect of the subject. Indian Point, ALAB-319, 3 NRC at 190, supra; Trojan, ALAB-181, 7 AEC at 209 n.7, supra. Nor does this Notification raise a serious safety, environmental or common defense question which warrants exercise of the Board's sua sponte authority. Accordingly, Applicants believe that no Board action is necessary regarding this Notification.

10. BN 83-02 (January 7, 1983) - Apparent Deficiencies in Midland-Ross "Superstrut" Material Used in Class 1E Cable Tray and Conduit Support
BN 83-14 (February 18, 1983) - Follow-Up Information on Apparent Deficiencies In Midland-Ross "Superstrut" Material

These Board Notifications concern the findings of an NRC inspection of the Midland-Ross Corporation's Superstrut manufacturing facility. The inspection disclosed deficiencies in

the QA program at that facility for mild steel fittings, brackets, and channels, some of which are used to construct cable tray, conduit, and instrument supports in nuclear power plants.

As discussed in the attached Affidavit of David H. Wade, Applicants purchased some Midland-Ross Superstrut material for use in conduits and instrumentation supports. However, at the time Applicants purchased the material they were aware that the material was not qualified as Q material, and thus would require additional measures to verify the quality of the material. A commitment to perform appropriate sampling and testing in the material was included in the FSAR. Applicants are preparing to conduct these examinations to determine appropriate material physical properties so as to verify satisfaction of applicable material specifications. Applicants' confirmatory sampling and testing program and its results will be available for Staff evaluation. (Affidavit of David H. Wade at 2-3.)

Accordingly, although this matter may be generally relevant, in view of Applicants' previous recognition of the matter and present confirmatory actions, it is not a significant issue that warrants specific attention by the Board in this proceeding.

11. BN 83-13 (February 17, 1983) - EG&G Draft Report on Identification and Ranking of Nuclear Plant Structures, Systems, and Components, and Graded Quality Assurance Guidelines

This Board Notification concerns an NRC draft report of an NRC contractor which attempts to identify and rank, in order of importance to safety, nuclear plant structures, systems, and components as well as graded quality assurance guidelines. The NRC Staff concluded that although this information may provide guidance for future changes in regulatory requirements, "it is not clear that this is the appropriate level of detail for NRC review of GDC-1 implementation."

This matter is irrelevant to issues raised in this proceeding. Thus, the Board need not pass judgment on any aspect of the subject. Indian Point, ALAB-319, 3 NRC at 190, supra; Trojan, ALAB-181, 7 AEC at 209 n.7, supra. Further, this draft report presents no information which would warrant examination of the matter sua sponte. Accordingly, Applicants submit that no further action on this Notification is required by the Board.

12. BN-83-17 (February 18, 1983) - Allegations Relative to Unresolved Safety Issue A-17

This Notification concerns the position of an NRC employee regarding the progress toward resolution of Unresolved Safety Issue A-17 (Systems Interaction). This employee informed the

Shoreham Licensing Board that as a witness in that case he was changing his testimony regarding USI A-17 given in that hearing because of his own assessment of the progress being made by the NRC Staff on that issue. The NRC Staff indicates in the Notification that they will inform all boards of any change in plans with regard to resolution of USI A-17, the implication being that there has been no change to date.

As a general unresolved safety issue the Board need only find that the issue has been taken into account in a plausible manner that justifies operation pending resolution of the issue. North Anna, ALAB-491, supra, 8 NRC at 249; River Bend, ALAB-444, 6 NRC at 774. To this end the Staff has presented in the SER a discussion of USI A-17 and its applicability to Comanche Peak. SER, Appendix C, pp. C-11 to C-13. Therein, the Staff presents reasonable justification for operation of Comanche Peak pending resolution of USI A-17. Accordingly, Applicants submit that no Board action is necessary with respect to this subject.

13. BN-83-26 (March 3, 1983) - Failure of Reactor Trip Breakers To Open On Trip Signal

BN 83-26 concerns the failure of Reactor Trip Breakers to open on a trip signal at the Salem 1 facility, a Westinghouse plant. The subject breakers are designed to interrupt electric power to the control rod drive mechanisms upon receipt of a scram signal to allow the rods to drop into the core (by spring action and gravity), thereby shutting down the reactor.

As noted in the Board Notification, the failure at Salem 1 was most likely caused by improper maintenance. This matter is relevant to the generic Unresolved Safety Issue A-9 (Anticipated Transient Without Scram (ATWS)), which was the subject of Board Question 3. As noted in I&E Bulletin 83-01, certain corrective actions were required of licensees in response to this event. Although Comanche Peak does not have the type of reactor trip breaker addressed in this notification, applicable maintenance procedures for Comanche Peak reactor trip breakers have been reviewed as a result of that Bulletin. In view of the limited relevance of this matter, and in that the NRC Staff has not changed their conclusions on USI A-9 as a result of this event, Applicants submit there is no need for further consideration of this matter by the Board.

14. BN-83-29 (March 2, 1983) - Information from Construction Appraisal Team (CAT) Inspection of Comanche Peak, Units 1 and 2

This Notification concerns a few preliminary findings of the I&E Construction Appraisal Team ("CAT") inspection of Comanche Peak, Units 1 and 2. The final CAT report is now being prepared. Specifically, the findings concern quality control of safety-related portions of the heating, ventilation and air conditioning ("HVAC") systems and the separation of safety-related cables from mechanical structures and piping.

While these two items will be addressed in the CAT report, Applicants believe that the report will reflect overall that the Comanche Peak QA Program and construction performance are acceptable. However, until the CAT report is issued, Applicants are unable to judge whether the Staff considers these matters to be significant and therefore whether they should be addressed in the forthcoming hearings. If the Staff issues the CAT report before the April 4 hearings, or if the Staff is prepared to testify regarding these specific matters, Applicants also will be prepared to address the matters in the April 4 hearings. We assume that this matter will be clarified when the Staff submits its counterpart to the instant pleading.

B. NRC Staff Letters Transmitting Additional Information to the Board

1. January 24, 1983, Letter Transmitting Supplemental Information.

By this letter, the NRC Staff transmitted several I&E Reports concerning topics which had previously been addressed at the hearings or which had been the subject of Board Notifications. The Staff stated it intended to review each of these documents "to assess their materiality to the issues before the Board."

The matters addressed in these I&E Reports and correspondence in some cases may be relevant to the general QA/QC issues in this proceeding. However, because the information provided by the Reports is either insignificant, has already been adequately addressed at the hearings, or is indeterminate in that the

subject matter remains an open item pending further review by the Staff, Applicants submit that there is no information in those Reports vital to the resolution of issues raised in this proceeding.

2. February 8, 1983, Letter Transmitting 1982 Systematic Assessment of License Performance.

By this letter the NRC Staff transmitted to the Board a copy of the 1982 NRC Systematic Assessment of Licensee Performance ("SALP") Report and Applicants' comments thereon. The NRC Staff has previously introduced into evidence the 1980 and 1981 SALP Reports (NRC Exhibits 181 and 15). Applicants believe that because these Reports examine Applicants' performance only in a general manner, they are of limited significance for dealing with specific issues raised in this proceeding. However, in view of the introduction of past years' Reports into the record, Applicants would not object to introduction of the 1982 SALP Report and Applicants response thereto if so requested by the Staff. However, we do not see any need for further evidence, including testimony, on this matter.

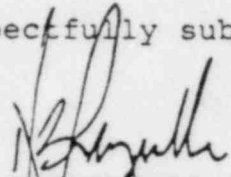
3. February 15, 1983, Hayward-Tyler Pump Company

By this letter the NRC Staff transmitted three I&E Reports in the Hayward-Tyler Pump Company docket concerning the NRC inspection/investigation into alleged deficiencies in Hayward-Tyler's Quality Assurance program and the response thereto from Hayward-Tyler.

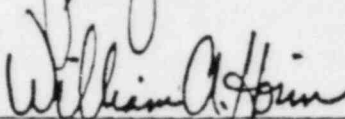
Although these documents are relevant to an issue addressed in NRC Staff testimony (NRC Exhibit 13 at 99), Applicants believe that because they concern the entire Hayward-Tyler QA/QC Program during the period 1977 to 1981 without attempting to address the impact of the findings on any particular facility, the reports are of limited significance to resolving any issue in this proceeding. We assume that the Staff will advise the Board if any aspect of this inspection materially alters the conclusions reached by Staff (NRC Staff Exhibit 13 at 100-101) regarding pumps at Comanche Peak which were assembled by Hayward-Tyler. If any modification of the Staff's testimony is necessary, the Board should have the parties address the proper procedure for such modification at that time. However, Applicants submit that neither the voluminous inspection report of Hayward-Tyler, nor the company's response, would afford any information helpful to a Board decision on the contentions in issue. Accordingly,

Applicants submit the report does not warrant further consideration by the Board.

Respectfully submitted,



Nicholas S. Reynolds



William A. Horin

DEBEVOISE & LIBERMAN
1200 17th Street, N. W.
Washington, D. C. 20036
(202) 857-9817

Counsel for Applicants

March 18, 1983